



Eric R. Hail

Partner

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Languages: Russian



Eric focuses his practice on consumer finance litigation and regulatory matters, as well as commercial litigation.

Eric focuses his practice on counseling and representing consumer finance companies, banks, and broker-dealers regarding high-stakes litigation and regulatory issues. Eric has significant experience defending banks and broker-dealers in cases involving alleged fraud, breaches of fiduciary duty and negligence in the handling of investment accounts and the performance of duties as trustee. Eric also focuses a large part of his practice on defending consumer finance companies in cases involving alleged violations of the Telephone Consumer Protection Act and the Fair Debt Collection Practices Act, as well as counseling such clients on various regulatory issues since the creation of the Consumer Financial Protection Bureau. In representing his clients, Eric has appeared in various state and federal courts across the country as well as before AAA and FINRA arbitration panels. Prior to law school, Eric served as a Business Development Volunteer for U.S. Peace Corps in Ukraine.

Relevant Experience

- Lead counsel for group of bank executives who sued former bank owner for failing to distribute proceeds from the multi-million dollar sale of a bank. Following a temporary injunction hearing, the case settled for \$28.4 million.
- Obtained complete dismissal of class action brought against national retailer and consumer finance company alleging violations of the Equal Credit Opportunity Act.

Exhibit A-3

See *Dorton v. Kmart Corp. and WhyNot Leasing, LLC*, 229 F. Supp. 3d 612 (E.D. Mich. 2017).

- Successfully argued personal jurisdiction challenge to the Fourteenth Court of Appeals of the State of Texas on behalf of out-of-state clients in a case involving the alleged breach of a \$19 million gas turbine services agreement. Trial court's order dismissing claims was affirmed following oral argument by Eric. See *Waller Marine, Inc. v. Magie*, 463 S.W.3d 614 (Tex. App.—Houston [14th Dist.] 2015, no pet.).
- Successfully defended well-known consumer finance company in putative class action involving alleged violations of the Telephone Consumer Protection Act. After submission of briefing in opposition to class certification and prevailing on discovery motions, the case settled favorably.
- Member of trial team that defended large international bank in case brought by trust beneficiaries who alleged the bank committed fraud and breaches of fiduciary duty in connection with the lease of approximately 100,000 acres in the Eagle Ford Shale oil play. The plaintiffs sought \$1 billion in damages and the case settled favorably after a week of trial.
- Successfully defended a large broker-dealer in a case involving alleged damages of \$1.6 million on claims of broker negligence, securities fraud and breach of fiduciary duty. After a two-week arbitration, a take-nothing award was rendered.
- Successfully prosecuted a breach of contract claim on behalf of a major financial institution. Client was awarded \$1.3 million after a week-long AAA arbitration.
- Represented global technology company in a multi-million dollar UCC lien-priority dispute
- Represented large broker-dealer in mandamus proceeding before the Texas Supreme Court regarding significant legal issue involving the Federal Arbitration Act
- Represented brokerage firms in numerous FINRA arbitration proceedings concerning handling of investment accounts
- Represented numerous insurance carriers and broker-dealers in interpleader and garnishment proceedings in Texas state and federal courts.
- Successfully brought claim on behalf of a Texas bank against an insurer relating to the insurer's failure to pay claim under a multi-million dollar financial institution bond.

Memberships

- Member, American Bar Association, Section of Litigation
- Dallas Bar Association
- Barrister, Patrick E. Higginbotham American Inn of Court
- Admitted to practice: Texas; U.S. District Courts for the Northern, Western, Eastern and Southern Districts of Texas

Insights

Publications

Co-author, The CFPB Issues Rule Prohibiting Certain Arbitration Clauses, *Payments Journal*, July 21, 2017

Co-author, The CFPB's Arbitration Rule, Its Requirements, Potential Legal Challenges, and What Companies Should Do, *American Bar Association*, July 21, 2017

Contributor, ABA Broker-Dealer Survey, 2004-2009

Alerts

DC Circuit Issues Highly-Anticipated TCPA Opinion On Autodialers, Reassigned Numbers, and Revocation of Consent, March 22, 2018

Court Rejects Effort at "Back Door" Trustee Removal by "Portability" Amendment, November 7, 2017

Down But Not Out: The Second Circuit Breathes New Life Into the Use of TCPA Consent Clauses to Combat Revocation of Consent Claims, July 31, 2017

The CFPB's Arbitration Rule: A Summary of the Rule, Its Requirements, and Potential Legal Challenges, July 17, 2017

CFPB Rule Would Prohibit Arbitration Clauses in Many Consumer Financial Contracts, May 17, 2016

FCC Ruling Likely to Open Floodgates Even Wider to TCPA Litigation, June 29, 2015

CFPB to Propose Rules Restricting Payday Lending, April 17, 2015

The Return of Lender Liability – Only This Time it Includes Buyers of Distressed Debt, April 15, 2013

SERVICES

Practices

Financial Services Litigation

Securities Litigation and SEC Enforcement

Litigation

EDUCATION

JD, Southern Methodist University, *SMU Law Review* Managing Editor, 2005

BA, The University of Texas at Austin, 1998

BAR ADMISSIONS

Texas

NEWS

Eric Hail Discusses CFPB's Class Action Proposed Rule in 'Sound Advice' Podcast, March 29, 2017

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